

**THE CITY OF FREDERICK
MAYOR & BOARD OF ALDERMEN**

ORDINANCE NO: G-20-20

<u>LEGISLATIVE HISTORY</u>	
<u>PLANNING COMMISSION</u>	
PUBLIC HEARING:	July 13, 2020 August 10, 2020
RECOMMENDATION SUBMITTED TO MAYOR & BOARD:	September 2, 2020
<u>MAYOR & BOARD OF ALDERMEN</u>	
WORKSHOP:	September 2, 2020
PUBLIC HEARING:	October 1, 2020

AN ORDINANCE concerning the rezoning of a portion of the property located at 515 South Market Street and generally known as Mount Olivet Cemetery

FOR THE PURPOSE of amending the official zoning maps to apply the Institutional floating zone

BY repealing and reenacting, with amendments,

Section 402
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BACKGROUND

In 2013, the Board of Aldermen enacted Ordinance No. G-13-03 for the purpose of comprehensively rezoning a portion of the City, including the property located at 515 South Market Street, which is a parcel consisting of ± 102 acres of land and containing the Mount Olivet Cemetery. As part of that comprehensive rezoning, the Mount Olivet property was assigned the Institutional (IST) floating zone, with an R8 base zone and a Highway Noise Overlay (HNO) zone.

In 2017, upon application of Mount Olivet Cemetery, Inc. – at that time the contract purchaser – the Board of Aldermen enacted Ordinance G-17-23. The purpose of that ordinance was to remove the IST zone from a vacant portion of the Mount Olivet property consisting of ± 12.74 acres (the "Property"), applying thereto the R8 zone, and retaining the HNO zone. The applicant at that time intended to develop the Property as a residential (townhouse) community.

On February 24, 2020, Mount Olivet Cemetery, Inc. – now the owner of the Property – filed with the Planning Division an application to rezone the Property to the IST zone, in order to facilitate the development of a new project. This project, which is replacing the townhouse project contemplated in 2017, will include independent living apartments for

seniors as well as an assisted living facility.

The Planning Commission held duly advertised public hearings on July 13, 2020 and August 10, 2020. At the conclusion of the August 10, 2020 public hearing, the Planning Commission recommended that the Board of Aldermen approve the application to apply the IST zone to the Property. On October 1, 2020, having received the recommendation of the Planning Commission, the Board of Aldermen held a duly advertised public hearing on the proposed rezoning.

SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK as follows:

- (1) The above recitals are incorporated as if restated herein.
- (2) In accordance with provisions of Section 306 of the LMC, and based upon review and consideration of the application materials, staff reports, and all other testimonial and documentary evidence, the Board of Aldermen hereby finds:
 - (A) The proposed development project complies with the criteria established for the floating zone requested. Specifically, the proposed senior living facility use is permitted in the IST zone. The measures for citing a facility specific to IST uses have been considered, and further compliance with all the applicable criteria of Section 409 will be evaluated through the subsequent development process.
 - (B) The proposed senior living facility is in a primarily developed area of the City and is compatible with the character of the existing uses in the vicinity, which include a variety of residential and nonresidential land uses.
 - (C) The rezoning of the Property to Institutional is in harmony with the 2010 Comprehensive Plan – specifically, the Municipal Growth and Housing Elements thereof.
 - (D) The senior living facility will result in a population increase beyond that of the current use of the Property.
 - (E) There are existing public facilities available to serve the Property. The senior living facility will generate lesser impacts on public facilities, such as schools, when compared to unrestricted housing.
 - (F) The site will be served by existing roadways, and no new public streets are proposed to serve the development.

SECTION II. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That the Code of the City of Frederick, 1966 (as amended), Appendix A, Land Management Code, Section 402, be repealed and reenacted, with amendments, to revise the official zoning maps by removing the R8 zoning designation from ± 12.74 acres of the property located at 515 South Market Street and

applying thereto the Institutional (IST) floating zone, while retaining the Highway Noise Overlay (HNO) zone, as shown on Exhibit A, attached hereto and incorporated herein by this reference. With the exception of the foregoing revision, the official zoning maps remain as enacted in 2013 and subsequently amended.

SECTION III. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN, That in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.


SECTION IV. AND BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN, That this ordinance shall take effect on October 11, 2020, and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

APPROVED: October 1, 2020

PASSED: October 1, 2020



**Michael O'Connor, Mayor
Board of Aldermen**



Michael O'Connor, President,

Approved for Legal Sufficiency:








City Attorney

FREDERICK

MARYLAND

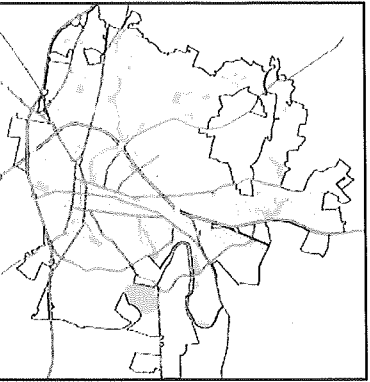
Zoning Amendment
515 S. Market St.
PC20-186ZMA

Base Zoning

-  Proposed IST
-  Rezoning
-  R8
-  R16
-  GC



101 N. Court St.
Frederick, MD 21701
301-600-6209
www.cityoffrederickmd.gov



Note: This map is prepared solely for the purpose of illustrating the City of Frederick. It should be used for no other purpose. Data on this map was prepared from several original sources and is subject to change as source data changes. This map is not a legal document. Aerial Imagery produced: 2016



FREDERICK

MARYLAND

Zoning Amendment 515 S. Market St. PC20-186ZMA Floating/Overlay Zoning

- Proposed IST Zone
- R8
- M1
- R16
- GC
- PRK
- IST
- Noise Overlay



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